

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, February 18, 2013 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public may speak on items listed on the posted agenda. All persons desiring to address a specific agenda item must submit an "Appearance before the City Commissioners" form prior to the reading of the item to the City Clerk, Janelle Dolan. The Mayor will allow comments before each agenda item for which they have requested to be heard. Comments will be limited to three (3) minutes with a maximum two (2) minute extension following approval by a majority of the members of the Board of Commissioners.

Item 1. Mayor: Call meeting to order.

Item 2. Invocation-Rev. John Munson, Vicar of St. John the Divine Anglican Church.

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

A. Approval of Minutes from January 7 Special Called Meeting, January 21 Workshop, and January 21, 2013.

Item 5. e.Republic's Center for Digital Government and Digital Communities Program Win a Technology Center *for your municipal chambers* Sweepstakes Presentation.

Item 6. Discuss and take any action necessary on concept design for the Family Aquatic Center.

Item 7. Discuss and take any action necessary on Fiscal Year 2012 Audit.

Item 8. Discuss and take any action necessary on proposal from Third Coast Geospatial Technologies, Inc for professional services related to creating a Graphical Information System for the City.

Item 9. Resolution Number 544. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and A Piece of Cake by Nikki Lynn, LLC, Final Reading.

Item 10. Resolution Number 545. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Southern Star, Inc, Final Reading.

Item 11. Resolution Number 546. A resolution ordering a general election to be held on May 11, 2013 to elect three (3) City Commissioners.

Item 12. Discuss and take any actions necessary on costs for Cemetery Pavilion.

Item 13. Discuss and take action necessary on the proposed financing for the crack seal machine.

Item 14. Discuss and take any action necessary on appointments to the Parks and Recreation Board.

Item 15. Discuss and take any action necessary on Gateway Entry Signs.

Item 16. Discuss and take any action necessary on creating a paid Fire Chief position.

Item 17. Discuss and take any action necessary on appointing an alternate voting proxy for the Nortex Regional Planning Commission.

Item 18. Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety

Item 19. Public Comments.

The Board of Commissioners invites citizens to speak on any topic.

Please fill out an "Appearance before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Dolan.

Public Comments are limited to five minutes. Time limits can be adjusted by the Mayor as to accommodate more or fewer speakers.

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to one of the following:

*Responding with a statement of specific factual information given in response to the inquiry or a recitation of existing policy on that issue in response to the inquiry.

Item 20. City Manager's report.

- A. Calendar
- B. Stage 3 Water Restrictions
- C. Charter Review Commission

Item 21. Commissioner's Comments.

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- *Expressions of thanks, congratulations, or condolence;
- *Information regarding holiday schedules;
- *An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- *A reminder about an upcoming event organized or sponsored by the governing body;
- *Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- *Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Item 22. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 5:00 p.m. on Friday, February 15, 2013 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 2/15/2013 @ 5:00 pm

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a Special Called Meeting on Monday, January 7, 2013 at 1:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Trish Holley, Director of Administration, Michael Whaley, Public Works Director; and Janelle Dolan, City Clerk.

Item 1. Mayor Law called the meeting to order.

Item 2. Invocation was given by Commissioner Brewster.

Item 3. The Pledge of Allegiance was led by Commissioner Hardy.

Item 4. Rick Sims, Corlett, Probst & Boyd, Inc., addressed the Mayor and Commissioners and presented two color choices for the Cemetery Pavilion Metal roof: slate gray and green.

Motion was made by Commissioner Love, seconded by Commissioner Hardy to choose slate gray for the metal roof.

Ayes: Mayor Law; Commissioners Lindenborn, Andrajack, Brewster, Hardy, Love

Abstained: Commissioner Tugman

Motion carried.

Item 5. Workshop to discuss the direction and guidance for City Boards and Committees was held.

Item 6. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn regarding the following Boards and Committees:

With respect to the Burkburnett Development Corporation (BDC): charge them with looking into the acquisition of economic impact software for the projects they consider and recommend to the Council; they look at Quality of Life projects most specifically contributing \$500,000 to a potential aquatic center for the City; and that they increase their focus on industrial expansion within the city.

With respect to the Planning and Zoning Commission: they reassess zoning districts and make change recommendations to the Council to include but not be limited to the downtown area and the I-44 corridor.

With respect to the Tax Increment Financing Board: they look at project expansion of Glendale across I-44.

With respect to the Parks and Recreation Board: they consider projects or events to increase usage of the amphitheatre; a replacement plan for park equipment; possibilities for a dog park in the City; and planning for the City's 4th of July celebration.

In respect to the Golf Committee: they look at putting together a long term Capital Improvement Plan for the Golf Course.

Motion carried unanimously.

Item 7. Mr. James addressed the Mayor and Commissioners and stated this is a follow-up to previous conversations and recommendations from Strategic Government Resources (SGR). Mr. James is verifying to see if the Board of Commissioners wants to make any amendments to the BDC by-laws.

Motion was made by Commissioner Andrajack, seconded by Commissioner Hardy to amend the BDC by-laws to reflect the Executive Director be a city employee reporting to the City Manager; the Executive Director's salary be reimbursed by the BDC to the City; and the Executive Director be considered a department head. Motion carried unanimously.

Item 8. Mr. James addressed the Mayor and Commissioners and stated the City sent out a request for qualifications (RFQ) in December to eight firms that have experience in the design of municipal pools. Mr. James stated seven RFQs were received and the Parks and Recreation Board conducted interviews with the following four firms: Schrickel, Rollins, and Associates, Inc., Brinkley Sargent & Architects, Larkin Aquatics, and Kimley-Horn and Associates. The Parks and Recreation Board recommended that the Board of Commissioners enter into a professional service agreement with Kimley-Horn and Associates to perform a concept design and feasibility analysis for a family aquatic center. Mr. James stated the proposed cost is \$30,000 and the BDC has approved funding for up to \$30,000 for this project.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Brewster to approve the professional agreement with Kimley-Horn and

Associates, Inc. to include a Face to Face Meeting on 1/23/13 for Task I (Conceptual Design). Motion carried unanimously.

Item 9. City Manager's report.

Item 10. Council comments.

Item 11. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES
BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a Special Called Meeting on Monday, January 21, 2013 at 2:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meeting Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Michael Whaley, Public Works Director; and Janelle Dolan, City Clerk.

Members of the Parks and Recreation Board present: David Davis, Pat Yarmoski, Jeremy Duff, Sharon Bankhead, and Charlene Lewis.

Item 1. Mayor Law called the meeting to order.

Item 2. Tim James, City Manager, addressed the Board of Commissioners stating they had approved the professional services agreement with Kimley-Horn and Associates at the January 7th meeting. The first step in the concept design and feasibility analysis process is to develop potential options to include in the design. Austin Powers, Kimley-Horn and Associates, and Kevin Post, Councilman-Hunsaker, presented information a Family Aquatics Center which included: needs assessment, program requirements, operation plans, and different sizes and varieties of Family Aquatic Centers. Discussion was held on the types of user groups for Family Aquatic Centers; needs and goals of the City of Burkburnett; and the different types of elements of a Family Aquatic Center: required, preferred, bonus, and unnecessary. The Board of Commissioners, with the input of the Parks and Recreation Board, ranked the elements as to the importance of including them in the Family Aquatic Center. Mr. Powers and Mr. Post will compile this information and produce a few concept designs with all of the elements included. Tentative date for another meeting with the representatives from Kimley-Horn and Associates and Councilman-Hunsaker was set for February 4, 2013.

January 21, 2013.

Item 3. No action was taken on this agenda item.

Item 4. Council comments.

Item 5. Motion was made by Commissioner Tugman, seconded by Commissioner Lindenborn to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, January 21, 2013 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

Carl Law	Mayor
Bill Lindenborn	Mayor Pro-Tem
Josh Andrajack	Commissioner
Randy Brewster	Commissioner
Don Hardy	Commissioner
Marguerite Love	Commissioner
Michael Tugman	Commissioner

Others present: Tim James, City Manager; Trish Holley, Director of Administration; Mike Whaley, Director of Public Works; Janelle Dolan, City Clerk; Mike Tracey, Police Chief; and Ed Stahr, Lieutenant Police Department.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Don Pellikan, Pastor of First United Methodist Church.

Chief Mike Tracey introduced Donna the new drug dog and her handler, Officer Steven Barnes. Officer Barnes stated that Donna is trained and certified in detection of: methamphetamine, cocaine, and marijuana.

Item 3. The Pledge of Allegiance was led by Commissioner Lindenborn.

Item 4. Consent Agenda.

A. Approval of Minutes from December 17, 2012.

Motion was made by Commissioner Tugman seconded by Commissioner Andrajack to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Tim James, City Manager, introduced Austin Powers, Kimley-Horn and Associates, and Kevin Post, Counsilman-Hunsaker. Mr. Powers and Mr. Post presented information that was gathered from the Board of Commissioners'

workshop that was held prior to this meeting. They provided a compiled list of elements of the Family Aquatic Center that were ranked by the Board of Commissioners at the workshop.

Motion made by Commissioner Andrajack, seconded by Commissioner Tugman to accept the results of the work session to authorize the consultants to move forward with the conceptual design of a potential new Family Aquatic Center in Burkburnett.

The following addressed the Mayor and Commissioners:

Pat Binter, 305 Kirk

David Davis, 719 Gayle Street, Parks and Recreation Board Chairman

Motion carried unanimously.

Item 6. Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating this Site Plan was prepared by Corlett, Probst, & Boyd in conjunction with JGR Architects Planners and Designers. The Overland Property Group is requesting approval of the site plan for Saddlebrook Apartments (64 units). The City Staff has reviewed the site plan as well as preliminary construction details such as: storm drainage; easements; set back, utilities; parking and landscaping. The developer has met our requirements as set forth by the zoning ordinance. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Site Plan and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the site plan request.

Motion made by Commissioner Andrajack, seconded by Commissioner Lindenborn to approve the site plan for Saddlebrook Apartments as presented.

Motion carried unanimously.

Item 7. Mike Whaley, Public Works Director, addressed the Mayor and Commissioners stating this Site Plan was prepared by Corlett, Probst, & Boyd and submitted by Eddie Viavattene of EV Electric. The owners are requesting approval of the site plan for Southern Star (Warehouse Facility). The City Staff has reviewed the site plan as well as preliminary construction details such as: storm drainage; easements; set back, utilities; parking and landscaping. The developer has met our requirements as set forth by the zoning ordinance. Mr. Whaley reported the Planning and Zoning Commission unanimously approved the Site Plan and it would be City staff recommendation to accept the Planning and Zoning recommendation to approve the site plan request.

Motion was made by Commissioner Hardy, seconded by Commissioner Andrajack to accept the site plan for Southern Star as presented. Motion carried unanimously.

Item 8. Resolution Number 542 was presented in its entirety. A resolution authorizing amendments to the Burkburnett Development Corporation bylaws. Motion was made by Commissioner Andrajack, seconded by Commissioner Lindenborn to accept Resolution Number 542 as presented.

The following addressed the Mayor and Commissioners:

Jerry Johnson, 914 Mohawk
Keith Myers, 1200 Amherst
Susan Mitchell, 1422 Hiawatha
Charlene Lewis, 1422 Red Fox
Scott Dolan, 928 Tejas
Lee Harvey, 1052 Jan Lee Dr.

Motion was made by Commissioner Brewster to table Resolution Number 542 for 60 days. Motion died for lack of a second.

Mayor took vote on first motion.

Ayes: Mayor Law; Commissioners Lindenborn, Andrajack, Hardy, Love, Tugman

Nay: Commissioner Brewster

Motion carries.

Item 9. Resolution Number 543 was presented in its entirety. A resolution defining city manager's duties in regard to the "advice and consent" per City Charter Article IV, Section 5 (c). Mr. James addressed the Mayor and Commissioners stating the Board of Commissioners had previously authorized a change in the organizational structure of the City at the January 7, 2013 meeting which made the Executive Director of the Burkburnett Development Corporation an employee of the City and would be reporting to the City Manager. Resolution Number 543 reflects the approved changes.

Ayes: Mayor Law; Commissioners Lindenborn, Andrajack, Hardy, Love, Tugman

Nay: Commissioner Brewster

Motion carries.

Item 10. Resolution Number 544 was presented in its entirety. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and A Piece of Cake by Nikki Lynn, LLC. First reading, no action taken.

Item 11. Ordinance Number 831. An ordinance amending Chapter 132 relating to drug control by adding an offense related to the sale, use, possession, ingestion or smoking of certain substances. Chief Tracey addressed the Mayor and Commissioners stating in September 2011 a law was passed prohibiting the use or

sale of K2 and similar substances which are synthetic marijuana. Chief Tracey stated the law is so vague it is hard to enforce the law and Ordinance Number 831 will provide the local police another tool to enforce it and he recommends it be approved.

Motion made by Commissioner Brewster, seconded by Commissioner Lindenborn to approve Ordinance Number 831 as presented. Motion carried unanimously.

Item 12. Chief of Police, Mike Tracey, addressed the Mayor and Commissioners. Chief Tracey presented the annual Racial Profiling Statistics for 2012 which is required by law. No action taken.

Item 13. Resolution Number 545. A resolution authorizing an economic incentive agreement between the Burkburnett Development Corporation and Southern Star, Inc. First reading, no action taken.

Item 14. Mayor Law closed the meeting at 8:14 p.m. and opened the Executive Session pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code; the Board of Commissioners may convene in Executive Session regarding the following matters:

- A. SECTION 551.072-Deliberation Regarding Real Property
 - a. Tax foreclosure properties

Item 15. Mayor Law reconvened the regular meeting at 8:33 p.m.

Motion was made by Commissioner Tugman, seconded by Commissioner Andrajack to allow Troy Hill to purchase 506 W. 6th with a timeline of six months to demo the property at his expense and accept Bill Bunton's bid for 213 W. 5th, 101 Freeman, and 811 N. Ave D, with regard to 101 Freeman, Mr. Bunton must demo the property with a deadline of 90 days and the City will provide him 1 to 2 roll offs at no charge. Motion carried unanimously.

Item 16. Review of monthly reports.

- A. Administration- Trish Holley, Director of Administration reported sales tax has increased 17.23%. Mrs. Holley states this is a good indication that sales tax will continue to increase this year.
- B. Public Works-Mr. Whaley reported there has been some movement at the cemetery.
- C. Public Safety- Chief Tracey reported that two new officers have been hired: Randall Quick and Christopher Salas. Chief Tracey stated they are fully staffed.

Item 17. Public Comments.

The following addressed the Mayor and Commissioners:

Pat Binter, 305 Kirk
Susan Mitchell, 1422 Hiawatha

Item 18. City Manager's report.

- A. Calendar- Mr. James reviewed the monthly Board meetings that are scheduled.
- B. JULS Meeting-Scheduled for 1/29/2013- open meeting.
- C. Family Aquatic Center- Mr. James reviewed tentative dates for the next meetings with Kimely-Horn.
- D. Chamber Banquet- Scheduled for 2/9/13- Mr. James is presenting the program "What the City Can Do For You?"

Item 19. Commission comments.

Item 20. Motion was made by Commissioner Brewster, seconded by Commissioner Tugman to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on conceptual design options for the Family Aquatic Center

Background

The Board of Commissioners met on January 11th to consider the conceptual design options for the proposed Family Aquatic Center. The Commission voted to defer action on the item until the BDC had the opportunity to meet and determine if they would commit funds to the project. The BDC met on February 15th and approved allocating \$500,000 to the project funded \$50,000/yr annually for 10 yrs. The approval is contingent upon the project being approved by the voters. In order to complete the concept design and feasibility analysis project, the Board of Commissioners will need to provide direction to Kimley-Horn on which option you would like them to perform the feasibility analysis.

Fiscal Impact

N/A

Options

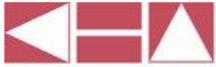
- Provide direction on proposed options
- Take no action

Staff Recommendation

Staff does not have any recommendation on this item.

Attachments

- Options



Burkburnett Family Aquatic Center
Burkburnett, Texas

Opinion of Probable Costs (Concept 1)

2/11/2013

BASE BID

Item	Unit	Quantity	Cost	Item Cost
Demolition	LS	1	\$75,000.00	\$75,000.00
Asphalt Parking Lot	SF	21,000	\$4.00	\$84,000.00
Playground	EA	1	\$50,000.00	\$50,000.00
Multi-Use Pool (With Play Features)	SF	5,537	\$175.00	\$968,975.00
Open Body Flume Slides (175 LF)	LS	1	\$150,000.00	\$150,000.00
Bath House (Masonry)/AC	SF	2,640	\$175.00	\$462,000.00
Filtration Area / Non-AC	SF	1,300	\$140.00	\$182,000.00
20' Hexagonal Umbrella Shade	EA	4	\$6,000.00	\$24,000.00
20'X30' Group Pavilion	EA	3	\$13,000.00	\$39,000.00
4" Concrete Sidewalk Paving	SF	1,015	\$6.00	\$6,090.00
5" Concrete Pool Deck Paving	SF	18,050	\$7.50	\$135,375.00
Vinyl Coated Chain Link Fence	LF	550	\$60.00	\$33,000.00
Dumpster Enclosure	LS	1	\$15,000.00	\$15,000.00
Grading and Site Preparation Allowance	LS	1	\$100,000.00	\$100,000.00
Landscape and Irrigation Allowance	LS	1	\$60,000.00	\$60,000.00
Utilities Allowance (Water, Sanitary Sewer, Drainage)	LS	1	\$100,000.00	\$100,000.00
Site Lighting/Electrical Allowance	LS	1	\$100,000.00	\$100,000.00
Owner's Contingency Allowance	EA	1	\$50,000.00	\$50,000.00
TOTAL BASE BID				\$2,634,440.00
SAY				\$2,700,000.00

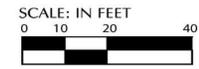
TOTAL CONSTRUCTION COSTS W/ ALTERNATES **\$2,700,000.00**
SAY **\$2,700,000.00**

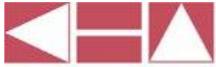
The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.



Burkburnett Family Aquatic Center - Concept I

Burkburnett, Texas





Burkburnett Family Aquatic Center
Burkburnett, Texas

Opinion of Probable Costs (Concept 2)

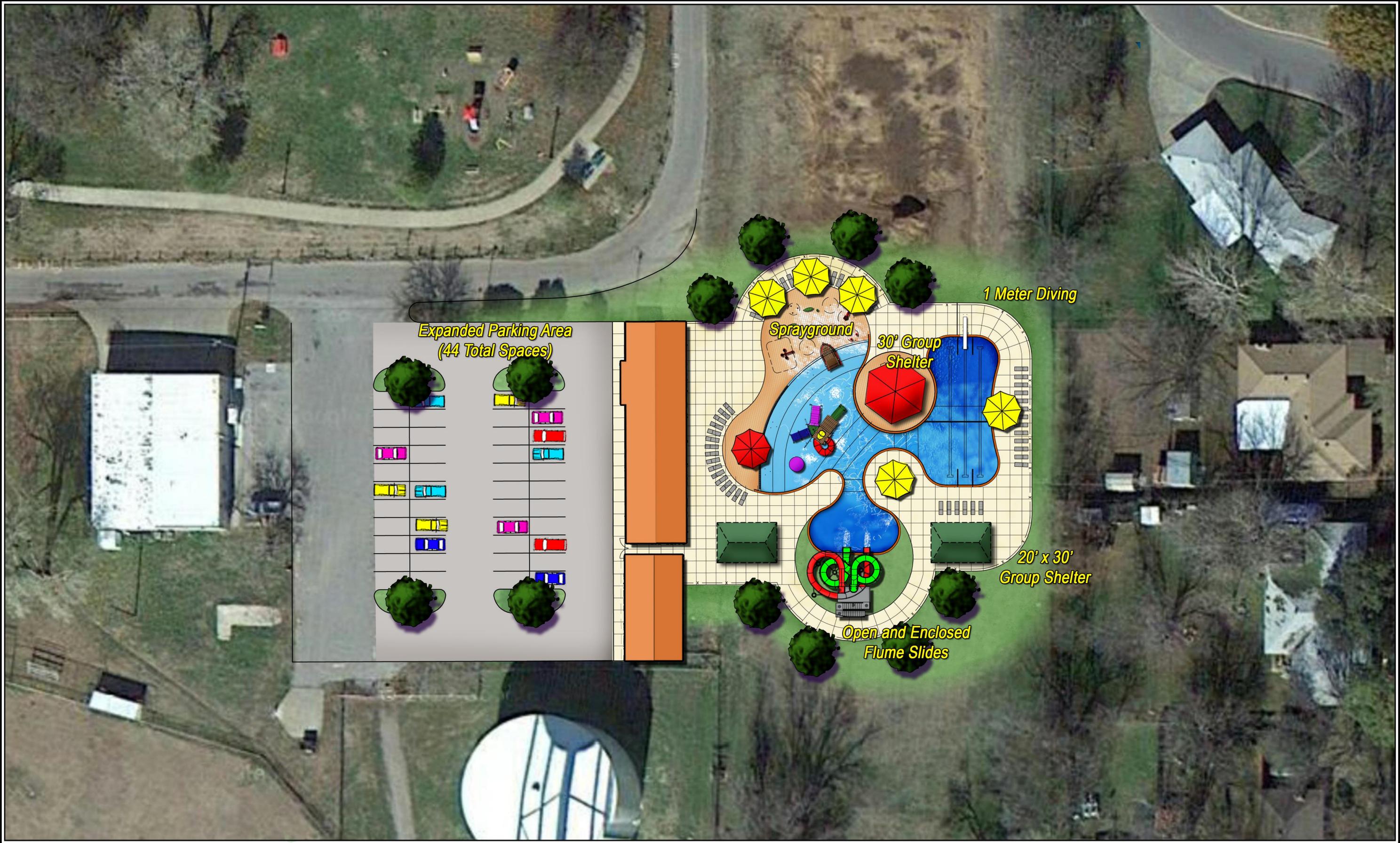
2/11/2013

BASE BID

Item	Unit	Quantity	Cost	Item Cost
Demolition	LS	1	\$75,000.00	\$75,000.00
Asphalt Parking Lot	SF	21,000	\$4.00	\$84,000.00
Multi-Use Pool (With Play Features)	SF	6,569	\$175.00	\$1,149,575.00
Sprayground	SF	1,800	\$150.00	\$270,000.00
Open Body Flume Slides (175 LF)	LS	1	\$250,000.00	\$250,000.00
Bath House (Masonry)/AC	SF	2,640	\$175.00	\$462,000.00
Filtration Area / Non-AC	SF	1,300	\$140.00	\$182,000.00
20' Hexagonal Umbrella Shade	EA	6	\$6,000.00	\$36,000.00
20'X30' Group Pavilion	EA	2	\$13,000.00	\$26,000.00
30' Group Pavilion	EA	1	\$20,000.00	\$20,000.00
4" Concrete Sidewalk Paving	SF	1,016	\$6.00	\$6,096.00
5" Concrete Pool Deck Paving	SF	19,100	\$7.50	\$143,250.00
Vinyl Coated Chain Link Fence	LF	550	\$60.00	\$33,000.00
Dumpster Enclosure	LS	1	\$15,000.00	\$15,000.00
Grading and Site Preparation Allowance	LS	1	\$100,000.00	\$100,000.00
Landscape and Irrigation Allowance	LS	1	\$60,000.00	\$60,000.00
Utilities Allowance (Water, Sanitary Sewer, Drainage)	LS	1	\$100,000.00	\$100,000.00
Site Lighting/Electrical Allowance	LS	1	\$100,000.00	\$100,000.00
Owner's Contingency Allowance	EA	1	\$50,000.00	\$50,000.00
TOTAL BASE BID				\$3,161,921.00
SAY				\$3,200,000.00

TOTAL CONSTRUCTION COSTS W/ ALTERNATES	\$3,200,000.00
SAY	\$3,200,000.00

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.



Expanded Parking Area
(44 Total Spaces)

Sprayground

1 Meter Diving

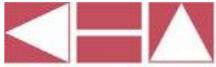
30' Group Shelter

20' x 30' Group Shelter

Open and Enclosed Flume Slides



Burk Burnett Family Aquatic Center - Concept II
Burk Burnett, Texas



Burkburnett Family Aquatic Center
Burkburnett, Texas

Opinion of Probable Costs (Concept 3)

2/11/2013

BASE BID

Item	Unit	Quantity	Cost	Item Cost
Demolition	LS	1	\$75,000.00	\$75,000.00
Asphalt Parking Lot	SF	21,000	\$4.00	\$84,000.00
Playground	EA	1	\$50,000.00	\$50,000.00
Multi-Use Pool (With Play Features)	SF	11,000	\$175.00	\$1,925,000.00
Open Body Flume Slides (175 LF)	LS	1	\$350,000.00	\$350,000.00
Bath House (Masonry)/AC	SF	2,640	\$175.00	\$462,000.00
Filtration Area / Non-AC	SF	1,300	\$140.00	\$182,000.00
20' Hexagonal Umbrella Shade	EA	9	\$6,000.00	\$54,000.00
30' Group Pavilion	EA	1	\$20,000.00	\$20,000.00
4" Concrete Sidewalk Paving	SF	1,600	\$6.00	\$9,600.00
5" Concrete Pool Deck Paving	SF	24,250	\$7.50	\$181,875.00
Vinyl Coated Chain Link Fence	LF	750	\$60.00	\$45,000.00
Dumpster Enclosure	LS	1	\$15,000.00	\$15,000.00
Grading and Site Preparation Allowance	LS	1	\$125,000.00	\$125,000.00
Landscape and Irrigation Allowance	LS	1	\$60,000.00	\$60,000.00
Utilities Allowance (Water, Sanitary Sewer, Drainage)	LS	1	\$125,000.00	\$125,000.00
Site Lighting/Electrical Allowance	LS	1	\$125,000.00	\$125,000.00
Owner's Contingency Allowance	EA	1	\$50,000.00	\$50,000.00
TOTAL BASE BID				\$3,938,475.00
SAY				\$4,000,000.00

TOTAL CONSTRUCTION COSTS W/ ALTERNATES	\$4,000,000.00
SAY	\$4,000,000.00

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.



Burk Burnett Family Aquatic Center - Concept III

Burk Burnett, Texas





Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on conceptual design options for the Family Aquatic Center

Background

The Board of Commissioners met on January 11th to consider the conceptual design options for the proposed Family Aquatic Center. The Commission voted to defer action on the item until the BDC had the opportunity to meet and determine if they would commit funds to the project. The BDC met on February 15th and approved allocating \$500,000 to the project funded \$50,000/yr annually for 10 yrs. The approval is contingent upon the project being approved by the voters. In order to complete the concept design and feasibility analysis project, the Board of Commissioners will need to provide direction to Kimley-Horn on which option you would like them to perform the feasibility analysis.

Fiscal Impact

N/A

Options

- Provide direction on proposed options
- Take no action

Staff Recommendation

Staff does not have any recommendation on this item.

Attachments

- Options



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on Fiscal Year 2012 Audit.

Background

The Audit for FY 2012 for the City and BDC has been completed. Charles Salter with MWH Group will discuss the results of the audit.

Fiscal Impact

N/A

Options

- Accept results of audit
- Take no action

Staff Recommendation

Staff does not have any recommendation on this item.

Attachments

- FY 2012 Audit



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on proposal from Third Coast Geospatial Technologies, Inc. for professional services related to creating a Graphical Information System for the City.

Background

Third Coast Geospatial Technologies, Inc. (3CGEO) is a consulting firm located in Austin, TX that specializes in creating Geographical Information Systems for municipalities and other entities. Typically, the creation of a GIS system for a municipality our size is cost prohibitive. 3CGEO has developed a concept to make it more feasible for a City our size to have a GIS system. They host the system off-site and provide all the set-up and maintenance of the system so there is no hardware, software, or personnel needed from the City. The proposal includes a one-time set up fee of \$35,000 with an annual maintenance cost of \$4,200. Brian Shirley with 3CGEO will present the proposed system.

Fiscal Impact

The initial cost would be \$35,000 plus an annual maintenance fee of \$4,200 for a total of \$39,200 for the first year. There would be an annual maintenance cost of \$4,200 for each subsequent year.

Options

- Approve the agreement with 3CGEO
- Recommend changes to the proposed agreement
- Take no action

Staff Recommendation

Staff recommends approving the agreement with 3CGEO.

Attachments

- Proposed agreement



SERVICES AGREEMENT

This SERVICES AGREEMENT (“Agreement”) is made and entered into on this 1st day of January, 2013, by and between **The City of Burkburnett, Texas**, located at 501 Sheppard Rd., Burkburnett, TX 76354-2716, ("Client"), and **Third Coast Geospatial Technologies, Inc.**, a Texas “S” corporation, with a corporate place of business at 802 Harris Ave., Austin TX 78705 ("3CGEO").

WITNESSETH:

3CGEO is in the business of creating specialized Geographic Information Systems (hereinafter referred to as “GIS”), Fire Suppression System Services, Floodplain Consulting Services and generalized Urban and Regional Planning Consulting Services and

Client wishes to enter into this AGREEMENT with 3CGEO in order to secure specific products and services from 3CGEO in support of Client’s performance of its business and 3CGEO herein presents itself as being qualified, capable and willing to supply such products and services, and

Client and 3CGEO desire to enter into this written AGREEMENT, setting forth the terms and conditions of their contract.

NOW, THEREFORE, Client and 3CGEO mutually agree as follows:

1. Scope of Work

During the term of this Agreement, 3CGEO shall provide the following Services:

Scopes of Work are issued in the form of Task Orders as required by this contract. 3CGEO may utilize subcontractors to perform specific components of Task Orders when necessary.

Task Order #1 – Develop and Deploy Interactive Web Map

2. Compensation

Client agrees to pay 3CGEO, in USD, based on time and materials or fixed fee basis as detailed within each scope of work, with a total value for task orders under this contract not-to-exceed \$45,000.00.

3CGEO shall submit invoices to Client based on details specified in each work order. Unless otherwise specified in the work orders, all invoices shall be payable within thirty (30) days of receipt of the invoice by the Client.

3. Confidentiality

3CGEO and Client shall keep confidential all matters respecting software, specifications, test data, models, reports, correspondence, discussions, database design, and any other technical or commercial issues arising out of the performance of any Services under this Agreement, or prepared in connection therewith, and shall not without prior written consent of the other Party disclose any such matters. Such confidentiality shall exclude the aforementioned matters in the public domain or later made public through no fault of either Party and shall also exclude anything previously known



by either Party or which is required to be disclosed by court order, statute, including any applicable public open records law.

4. Warranty

3CGEO warrants and covenants to Client that all services performed under this agreement shall be produced and performed in a skillful and workmanlike manner and shall comply with the specifications provided to Client in Article 1, Scope of Work. 3CGEO warrants that the products and services provided to Client under this Agreement shall be free from defects in material and workmanship, as set forth in the specifications contained in Article 1 for a period of ninety (90) days after delivery.

Furthermore, 3CGEO warrants that all services provided by 3CGEO hereunder shall not violate or conflict with any United States intellectual property rights of any third person including, but not limited to, copyrights, patents and trademarks.

Furthermore, 3CGEO recognizes and agrees that all end products (maps, databases and mapping systems) developed under this agreement are the property of the Client.

5. Liability

The limit of liability of 3CGEO to the Client for any cause or combination of causes shall be, in total amount, limited to the fees paid under this Agreement. 3CGEO will not indemnify the Client's elected officials, officers, staff or other contractors of the Client.

6. Term and Termination

This Agreement shall be effective from the day noted in the preamble of this Agreement and shall remain in effect for two (2) years or until terminated as provided in this Article. The duration of this contract may be extended by written addendum when signed by both parties.

This Agreement may be terminated by either party without cause and for any or no reason upon thirty calendar days (30) days written notice to the other party. This Agreement may be terminated immediately for cause upon written notice by either party. If terminated for cause, the written notice shall state with specificity the cause or reasons for termination.

Termination, with or without cause, shall not release the Client of its obligation to pay for services provided in good faith prior to termination.

7. Notices

Except as expressly provided otherwise in this Agreement, any notice required to be given pursuant to this Agreement shall be in writing and shall be either delivered personally to the party to be notified, or sent by registered or certified United States mail, first class postage prepaid, return receipt requested, addressed to the party to be notified at such party's address.

Company:

Cassandra G. Bender
President
Third Coast Geospatial Technologies, Inc.
802 Harris Ave.
Austin, TX. 78705

Client:

Tim S. James
City Manager
City of Burkburnett, Texas
501 Sheppard Rd.
Burkburnett, TX 76354-2716



Invoices and working documents may be hand delivered or sent by regular first class United States mail. Working documents, progress reports, computer documents, computer files, or computer software may be sent through electronic mail (e-mail).

8. Legal

This Agreement shall be construed and governed in all respects by the laws of the State of Texas and in any action, special proceedings, or other proceeding brought, arising out of, in connection with, or by reason of this Agreement, the laws of the State of Texas shall be applicable and shall govern to the exclusion of the laws of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted.

It is agreed by the parties that the venue for any legal action or litigation shall be in Austin, Texas.

If any specific provision, Section or Article of this Agreement shall be deemed unenforceable by a court of competent jurisdiction, said unenforceability shall not extend beyond the specific provision, Section, or Article affected. The unaffected part of the Agreement shall continue in full force and effect and shall be binding upon the parties thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date herein above written.

Third Coast Geospatial Technologies, Inc.

_____ *Date:* _____
Cassandra G. Bender
President

City of Burkburnett, Texas

_____ *Date:* _____
Tim S. James
City Manager



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Resolution 544

Background

The BDC met on January 8, 2013 and recommended an incentive agreement for A Piece of Cake by Nikki Lynn, LLC of Burkburnett. Resolution 544 specifies the terms of the proposed incentive agreement. This will be the second and final reading of Resolution 544. Resolution 544 has been reviewed by the City Attorney.

Fiscal Impact

The funds for the incentive agreement will be provided by the BDC

Options

- Approve Resolution 544
- Recommend changes to Resolution 544
- Take no action

Staff Recommendation

Staff recommends approval of Resolution 544

Attachments

- Resolution 544

RESOLUTION NUMBER 544

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND A PIECE OF CAKE BY NIKKI LYNN PROVIDING FOR ECONOMIC INCENTIVES IN RETURN FOR THE EXPANSION AND RETENTION OF BUSINESS ENTERPRISES WITHIN BURKBURNETT, TEXAS.

WHEREAS, the Burkburnett Development Corporation (the "BDC") is a Type B economic development corporation created by the City of Burkburnett, Texas (the "City"), which has a population of less than 20,000; and

WHEREAS, the BDC has proposed entering into an agreement with A Piece of Cake by Nikki Lynn, LLC, a Texas limited liability company (hereinafter "A Piece of Cake"), of which the managing member is Nikki Lynn Portillo, wherein the BDC will loan to A Piece of Cake the sum of Ten Thousand and no/100 (\$10,000.00) Dollars, which loan represents an economic incentive package to A Piece of Cake which shall be provided for new and expanded of business development within Burkburnett, Texas, the terms of which are more specifically described below; and

WHEREAS, A Piece of Cake intends to open a new bakery, which is expected to create up to five (5) full time positions, and is requesting assistance for the expenses related to infrastructure improvements, equipment, and building rehabilitation for operation of such a bakery at 100 West Kramer Road, Burkburnett, Wichita County, Texas 76354; and

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on, January 21, 2013 and another on the date this resolution was approved; and

WHEREAS, this resolution was approved in a meeting which was open to the public and preceded by proper notice as required by Chapter 551 of the Texas Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

the BDC is hereby authorized to enter into an agreement with A Piece of Cake to provide \$10,000.00 in economic incentives, by loaning said amount to A Piece of Cake, for which A Piece of Cake shall execute a Promissory Note for the principle sum of Ten Thousand and no/100 (\$10,000.00), which shall be secured by a first lien against all equipment owned by A Piece of Cake at such facility, provided said equipment is of sufficient value to provide adequate security for said loan. Said Note shall bear interest at the rate of 0% per annum and shall be paid in two (2) years; provided, however, that the BDC shall apply a credit of \$2,500.00 on the principle of the Note for each full time position (35 or more hours per week) created by A Piece of Cake at such location over a two-year period. The total amount of loan credit shall not exceed \$10,000.00. The remaining balance on the note after two years will be converted to a new note

to be amortized over a two-year period. In the event that A Piece of Cake closes or ceases such bakery operation the balance remaining on said note shall immediately become due and payable; and

BE IT FURTHER RESOLVED that the officers of the City are hereby authorized and directed to take such action as may be reasonably necessary to carry this resolution into effect.

First reading on January 21, 2013.

APPROVED on this the day 18th, February 2013, Second and Final Reading.

Carl Law, Mayor

Janelle Dolan, City Clerk



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Resolution 545

Background

The BDC met on January 8, 2013 and recommended an incentive agreement for A Southern Star, Inc. of Burkburnett. Resolution 545 specifies the terms of the proposed incentive agreement. This will be the second and final reading of Resolution 545. Resolution 545 has been reviewed by the City Attorney.

Fiscal Impact

The funds for the incentive agreement will be provided by the BDC

Options

- Approve Resolution 545
- Recommend changes to Resolution 545
- Take no Action

Staff Recommendation

Staff recommends approval of Resolution 545

Attachments

- Resolution 545

RESOLUTION NUMBER 545

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AUTHORIZING AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE BURKBURNETT DEVELOPMENT CORPORATION AND SOUTHERN STAR, INC. OF BURKBURNETT PROVIDING FOR THE PAYMENT OF ECONOMIC INCENTIVES IN RETURN FOR THE EXPANSION AND RETENTION OF BUSINESS AND ENTERPRISES WITHIN THE CITY BURKBURNETT, TEXAS.

WHEREAS, the Burkburnett Development Corporation (the "BDC") is a Type B economic development corporation created by the City of Burkburnett, Texas (the "City"), which has a population of less than 20,000; and

WHEREAS, the BDC has proposed entering into an agreement with Southern Star, Inc. wherein the BDC will provide Southern Star, Inc. of Burkburnett a loan of up to \$6,500.00 for building improvements. The BDC has agreed to provide these economic incentives in return for the retention and expansion of business development within Burkburnett, Texas; and

WHEREAS, this resolution has been given two readings before the Board of Commissioners: one on January 21, 2013 and another on the date this resolution was approved; and

WHEREAS, this resolution was approved in a meeting which was open to the public and preceded by proper notice as required by Chapter 551 of the Texas Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

that the BDC is hereby authorized to enter into *an agreement* with Southern Star, Inc. to loan Southern Star, Inc. (Southern) of Burkburnett up to \$6,500.00 for building improvements. The agreement will require that the new building improvements remain in operation for not less than one (1) year. Southern shall execute a Promissory Note (Note) for the principle sum of six thousand five hundred dollars and no/100 (\$6,500.00), which shall be secured by a first lien against all equipment owned by Southern at its facility located at 1 Commerce Drive, Burkburnett, Texas (Facility), provided said equipment is of sufficient value to provide adequate security for said loan. Said Note shall bear interest at the rate of 0% per annum and shall be paid in one (1) year; provided, however, that the BDC shall apply a credit of \$6,500.00 on the principle of the Note if Southern is still using the new building improvements on the one year anniversary of the payment of the loan. In the event that Southern closes or ceases its operation at the Facility within one year of the payment of the loan, the balance remaining on said Note shall immediately become due and payable

BE IT FURTHER RESOLVED that the officers of the City are hereby authorized and directed to take such action as may be reasonably necessary to carry this Resolution into effect.

First reading on January 21, 2013.

APPROVED on this 18th day February, 2013, Second and Final Reading.

Carl Law, Mayor

Janelle Dolan, City Clerk



Board of Commissioners Agenda Memo

From: Janelle Dolan, City Clerk

Date: February 18, 2013

Item: Resolution Number 546. A resolution ordering a general election to be held on May 11, 2013 to elect three (3) City Commissioners.

Background

A General Election is being called according to State Law.

Fiscal Impact

\$10,000 was budgeted for FY 2011-12 election expenses, \$3,394.00 was actually spent. \$10,000 has been budgeted for FY 2012-2013 election expenses.

Options

- Approve Resolution Number 546
- Not approve Resolution Number 546

Staff Recommendation

Approve Resolution Number 546

Attachments

Resolution Number 546

RESOLUTION NUMBER 546

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 11, 2013 TO ELECT THREE COMMISSIONERS; DESIGNATING THE POLLING PLACE AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, in accordance with the Texas Election Code, a general election shall be held at the following place, in said City, and the following are hereby appointed officers for said election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

SECTION 1. The polling place for Precincts No. 205 and 206 will be held at the Burkburnett Community Center Building, 735 Davy, Burkburnett, Texas and shall be open from 7:00 a.m. to 7:00 p.m. on Election Day May 11, 2013 with Susan Morris as Presiding Judge and Effie Littlejohn as Alternate Presiding Judge, the said Presiding Judge shall appoint the necessary clerks to assist on Election Day.

SECTION 2. The Presiding Judge of said election shall serve as the Presiding Officer of the Early Voting Ballot Board in accordance with the Texas Election Code.

SECTION 3. Janelle Dolan, City Clerk is hereby appointed Early Voting Clerk and early voting shall be conducted at the City Clerk's office in City Hall, 501 Sheppard Road, Burkburnett, Texas in accordance with the Texas Election Code. Early voting shall begin on April 29, 2013 and end on May 7, 2013 and shall be conducted Monday through Friday during the regular business hours of the City Clerk's office which are from 8:00 a.m. to 5:00 p.m. with extended early voting hours on May 6, 2013 and May 7, 2013 from 7:00 a.m. to 7:00 p.m.

SECTION 4. Notice of posting and publishing of said election and the preparation of ballots for said election will be in accordance with the Texas Election Code.

SECTION 5. The Board of Commissioners of the City of Burkburnett shall canvass the election not earlier than the third day nor later than the eleventh day after said election in accordance with the Texas Election Code.

PASSED AND APPROVED on this 18th day of February 2013.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



Board of Commissioners Agenda Memo

From: Mike Whaley
Date: 2-18-2013
Item: ONCOR Electrical Costs for Cemetery Pavilion

Background

ONCOR has presented the electrical cost involved in the construction of the pavilion and shop. The demo of existing service is \$1,856.70. ONCOR has stated that if the City can perform the civil portion of construction (trenching, laying conduit, anchoring pad) that the construction will be at no cost for the City.

Fiscal Impact

\$1,856.70

Options

1. Approve demo cost to be paid out of Cemetery Fund.
2. Find alternate payment option.
3. Deny approval.

Staff Recommendation

Recommend approval for both agreements as stated.

Attachments

Cost estimate for demo.
Letter of Agreement for construction.

Oncor Electric Delivery Company LLC,
a Delaware limited liability company

Mr. David Rivers
1900 Jacksboro Hwy
Wichita Falls, Texas
940-766-5477
Fax-940-723-3933

Statement of Charges

Date: 2-4-13
WR #: 3189682
Transaction ID: 24744

Mr. Mike Whaley
501 Sheppard Rd
Burkburnett, Texas 76354
940-569-2263

Services provided at:
Remove/relocate facilities
920 Bishop Rd
Burkburnett, Texas 76354

DESCRIPTION	AMOUNT
The following amount shown is the Customer's portion of the cost for this installation of Company's additional electric delivery facilities as requested by Customer. Payment in the amount shown will remain the property of the Company. This cost is due in full upon execution of the Discretionary Service Agreement and prior to ordering any materials required to complete this project, the scheduling of work, or the start of any Oncor construction.	1,856.70
Total Amount Due Upon Receipt	\$1,856.70

* Price quoted is valid for sixty (60) days from the date of this document.

* Remit payment per instructions below.

* Please contact your Project Manager if you have any questions.

Project will be scheduled upon:

- 1) CIAC Coordinator's receipt of payment
- 2) Project Manager's receipt of Executed Agreement(s)

EFT / Electronic Funds Transfer

JP Morgan Chase Bank

ABA No. (Wire) 021000021

ABA No. (ACH) 111000614

For Credit To:

Oncor Electric Delivery

Acct #: 08806169791

Once EFT has been initiated please forward confirmation number and transfer date to:

Please make all check(s) payable to

Oncor Electric Delivery

Remit to:

Mrs. Sheila Taylor

Oncor Electric Delivery

1905 Bluff St.

Wichita Falls, Texas 76308

Please Include the WR # and Transaction ID (as listed above) on all correspondence including your Check or EFT.

Failure to do so will cause unnecessary delays with your project.





Oncor Electric Delivery LLC
a Delaware limited liability company

February 13, 2013

Oncor Electric Delivery
1900 Jacksboro Hwy
Wichita Falls, Texas 76308

WR #: 3196418

City Of Burkburnett
Mr. Mike Whaley
501 Sheppard Rd
Burkburnett, Texas 76354

Serve New Pavillion

Dear City of Burkburnett

Mr. Mike Whaley ("Customer") has requested that Oncor Electric Delivery Company LLC, a Delaware limited liability company ("Company"), provide additional electric facilities sufficient to provide electric service for 8.5 kW or 1 lots / units at North Bishop Drive, City of Burkburnett Cemetary

Pursuant to company's Tariff for Retail Delivery Service, the extension length or cost of the additional electric facilities is within the amount allowed by the Tariff and can be installed at no cost to the customer.

Company at all times shall have title to and complete ownership and control over said facilities.

In order to provide electric facilities at no cost to the Customer, the Customer has elected to provide, without cost to the Company, all civil construction necessary to install Oncor Electric Delivery facilities on the Customer's premises, including labor and material. Customer agrees to provide all civil construction in accordance with the Company's standards.

Customer is responsible for providing, without cost to the Company: (1) suitable space on customer's premises for the installation of the facilities; and (2) rough site grading to final grade along the route of the facilities and clearing the area of all obstructions.

Customer has disclosed to Company all underground facilities owned by Customer or any other party that is not a public utility or governmental entity, that are located within real property owned by Customer. In the event that Customer has failed to do so, or in the event of the existence of such facilities of which Customer has no knowledge, Company, its agents and contractors, shall have no liability, of any nature whatsoever, to Customer, or Customer's agents or assignees, for any actual or consequential damages resulting from damage to such undisclosed or unknown facilities.

This agreement supersedes all previous agreements or representation, either written or oral, between Company and Customer made with respect to the matters herein contained, and when duly executed constitutes the agreement between the parties hereto and is not binding upon Company unless and until signed by one of its duly authorized representatives.

This agreement, if not accepted within 30 days of the date of this letter, will be of no force and effect. Acceptance shall consist of delivery of an executed copy of this agreement to Company.

Please be aware that the start date of this project will be no earlier than three weeks following the execution of this agreement along with any payment that may be required pursuant to Company's Tariff for Retail Delivery Service. A more definitive installation schedule will be provided upon your delivery of this agreement to assist in your planning for this project.

Sincerely,

Mr. David Rivers
Oncor Electric Delivery



Board of Commissioners Agenda Memo

From: Trish Holley, Director of Administration

Date: February 18, 2013

Item: Discuss and take action on financing for the Crafcro Super Shot 125 Crack Sealing Machine

Background

On January 23, 2013 financing proposals were submitted to First Bank, Fidelity Bank, Union Square, Chase Bank and American National Leasing Company. The total amount to be financed is \$48,912.10 for a total of 5 years. I have attached copies of the proposals.

First Bank	Fixed Rate 3.96% or floating rate of Wall Street Journal Prime rate 3.25%
Chase Bank	3.384% per annum (\$10,797.78 per year=\$53,988.90 total)
Fidelity Bank	3.0% fixed (\$8,507.01 per year=\$42,535.05 or \$699.86 per month=\$41,991.60) Per year-with down payment of \$10,000
American National	3.20% (\$8,818.74 per year=\$44,093.70 or \$884.40 per month=\$53,064.00) Per year-with down payment of \$8,818.74

Fiscal Impact

\$10,000 budgeted for machine

Options

No recommendations

Staff Recommendation

No recommendations

Attachments

Proposals



First Bank

January 28, 2013

Trish Holley
Director of Administration
City of Burkburnett
501 Sheppard Road
Burkburnett, Texas 76354

Dear Mrs. Holley:

Thank you for the opportunity to submit the following proposal to the City of Burkburnett for the purchase of a Crafcro Sealing Machine. First Bank will finance 100% of the purchase price at a floating rate of Wall Street Journal Prime Rate (3.25%) floating for a term of 5 years or a 3.96% fixed rate for 5 years.

We appreciate your business and look forward to serving you. Please do not hesitate to contact me with any questions you might have regarding this proposal.

Sincerely,

Jerry Johnson
Executive Vice President

GGJ/bn

Member FDIC

4110 Kell Blvd • Wichita Falls, TX 76309
940-691-0000 • Fax 940-691-9988

318 West Park • Iowa Park, TX 76367
940-592-4619 • Fax: 940-592-4654

P.O. Box 458 • Burkburnett, TX 76354
940-569-2221 • Fax: 940-569-0711

www.fstbnk.com



2525 Kell Blvd., Suite 100
Wichita Falls, TX 76308
940.763.2100
Fax 940.763.2101

Danny Cremeens
Senior Vice President

February 8, 2013

Trish Holley, Director of Administration
City of Burkburnett
501 Sheppard Road
Burkburnett, TX 76354

Dear Trish:

Thank you for the opportunity to bid on the financing for the City's purchase of a crack sealing machine. The following details our bid:

Purchase Price:	\$48,912.10
Down Payment:	\$10,000.00
Amount Financed:	\$38,912.10
Rate:	3.0% fixed
Terms:	60 monthly payments of \$699.86; or 5 annual payments of \$8,507.01
Collateral:	First lien on the equipment being purchased

Again, thanks for the opportunity. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads 'Danny Cremeens'.

Danny Cremeens
Senior Vice President

Burkburnett
301 S. Ave D
940.569.9000

Parker Square
2525 Kell Blvd., Suite 100
940.763.2100
www.fidelitybankwf.com

Downtown Wichita Falls
Eighth & Lamar
940.322.5600



JPMorgan Chase Bank, N.A.
1111 Polaris Parkway
Columbus, Ohio 43240
Tel: 614-213-9651
Email: patricia.r.anatra@chase.com

Patty Anatra
Chase Specialty Finance

February 7, 2013

Ms. Trish Holley
Director of Administration
City of Burkburnett
501 Sheppard Road
Burkburnett, Texas 76354

Dear Ms. Holley:

JPMorgan Chase Bank, N.A. (“Lessor”) is pleased to submit the following financing proposal for your review and consideration. This letter is a proposal only and is contingent upon your compliance with the requirements of the Internal Revenue Code of 1986, as amended, and all applicable state laws related to Lessee’s ability to enter into a tax-exempt lease-purchase financing for the intended purposes. This proposal is for discussion purposes only and the terms and provisions of this financing are subject, among other things, to credit and business approval in accordance with Chase’s internal procedures, as well as certain conditions as herein set forth. **The pricing and terms included in this proposal letter are based on market conditions on the date hereof and are subject to change.**

LESSOR:	JPMorgan Chase Bank, N.A.
LESSEE:	City of Burkburnett
TRANSACTION:	Fixed-rate, fully amortizing, privately placed tax-exempt lease-purchase agreement (“Agreement”).
EQUIPMENT:	Crafco Super Shot 125 Crack Sealing Machine. Lessee shall grant Lessor a first priority security interest in the Equipment.
EQUIPMENT COST:	Anticipated not to exceed \$48,912.
LOCATION OF EQUIPMENT:	Burkburnett, Texas

Confidential Information: not to be shared with third parties
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All rights reserved
City of Burkburnett.Proposal.doc

BANK QUALIFIED: This proposal assumes that the Lessee will **not** issue more than \$10 million in tax-exempt obligations this calendar year and that the Lessee will designate this lease as a "qualified" tax-exempt obligation ("QTEO")

APPROPRIATION: This Agreement shall be subject to annual appropriation.

LEASE TERM: Five Years.

LEASE RATE: 3.384% per annum.

LEASE PAYMENT AMOUNT: \$10,797.78 every year. See attached amortization schedule.

ADJUSTMENTS TO PAYMENT AMOUNT AND LEASE RATE: The Payment Amount and Lease Rate quoted herein will fluctuate based on Lender's cost of funds at the time of closing. For every increase in Lender's cost of funds a corresponding increase will be made to the Payment Amount and the Lease Rate to maintain Lender's economics.

PREPAYMENT/OPTION TO PURCHASE: The Lessee shall have the right to prepay, in whole, on any payment date without penalty.

DOCUMENTATION: All documentation shall be prepared by and acceptable to Chase or its counsel.

DISBURSEMENT OF PROCEEDS: Lessor will fund directly to vendor.

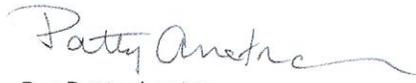
PROPOSAL ONLY: This proposal is not a commitment to undertake this financing. A commitment can be issued only after full credit and economic review and subsequent approval by the appropriate officers of Lessor. A commitment shall not be binding on Lessor unless it is in writing and signed by Lessor. If a commitment is issued by Lessor, it may modify the terms of this proposal and may add such additional requirements (including, but not limited to, financial covenants, requirements of guaranties or other credit support, and/or special equipment maintenance and return conditions) as Lessor may deem advisable.

IRS Circular 230 Disclosure: Lessor and its affiliates (collectively, "Chase") do not provide tax advice. Accordingly, any discussion of U.S. tax matters contained herein (including any attachments) is not intended or written to be used, and cannot be used, in connection with the promotion, marketing or recommendation by anyone unaffiliated with Chase of any of the matters addressed herein or for the purpose of avoiding U.S. tax-related penalties.

Please feel free to contact me at **614-213-9561** if you have any questions, or would like to discuss this proposal in greater detail. Thank you again for considering Chase!

Sincerely,

JPMorgan Chase Bank, N.A.



By: Patty Anatra

Title: Chase Specialty Finance

CC: Hank Taylor



**American National
Leasing Company**

CITY OF BURKBURNETT LEASE PURCHASE QUOTE

FEBRUARY 11, 2013

CRAFCO Super Shot 125	\$48,912
+ Sales Tax	Exempt
+ UCC and Documentation fee	\$65
Total	\$48,977
60 MONTHLY PAYMENTS	\$884.40
Residual	\$1
<u>ANNUAL PAYMENTS</u>	
1st Payment due at Signing	\$8,818.74
2nd Annual Payment	\$8,818.74
3rd Annual Payment	\$8,818.74
4th Annual Payment	\$8,818.74
5th Annual Payment	\$8,818.74
6th Annual Payment	\$8,818.74
Residual	\$1
<i>Rate</i>	3.20%



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on appointments to the Parks and Recreation Board.

Background

Two members have resigned from the Parks and Recreation Board, Charlene Lewis and Pat Yarmonski. The Board of Commissioners appoints the members of the Parks and Recreation Board. Upon the resignation of any member the Board of Commissioners is to appoint a successor to complete the unexpired term of the previous member.

Fiscal Impact

N/A

Options

- Appoint new members
- Take no action

Staff Recommendation

Staff has no specific recommendation.

Attachments

- List of all volunteer applicants for the Parks and Recreation Board

Volunteer Applications Received w/ Parks and Recreation Board marked.

Thomas Adam
Ted Kwas
Mark Swope
Raymond Holland
Jack McMullen
Mark Ewell
Cory Brinkley
Susan Mitchell
Kelly Brunson



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on Gateway Entry Signs.

Background

Commissioner Brewster has requested to speak to the Commission about moving forward with the installation of gateway entry signs using the oil dereks obtained from TxDOT.

Fiscal Impact

There will be cost associated with the construction and installation of new gateway entry signs, but until further information is received, no cost data is available.

Options

- Direct staff to proceed with identifying costs and locations
- Take no action

Staff Recommendation

Staff has no specific recommendation.

Attachments

- N/A



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on creating a paid Fire Chief position.

Background

Commissioner Hardy has requested to speak with the Commissioners about creating a paid Fire Chief position.

Fiscal Impact

There are no funds set aside in the FY 2013 budget for a paid Fire Chief.

Options

- N/A

Staff Recommendation

Staff has no specific recommendation.

Attachments

- N/A



Board of Commissioners Agenda Memo

From: Tim James, P.E. – City Manager

Date: February 18, 2013

Item: Discuss and take any action necessary on appointing an alternate voting proxy for the Nortex Regional Planning Commission.

Background

Mayor Law has requested to discuss appointing an alternate voting proxy for the Nortex Regional Planning Commission.

Fiscal Impact

N/A

Options

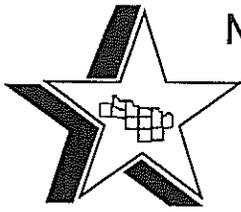
- Appoint an alternate voting proxy for the Nortex Regional Planning Commission
- Take no action

Staff Recommendation

Staff has no specific recommendation.

Attachments

- Proxy Form



February 12, 2013

To: General Membership Committee

From: Dennis Wilde, Executive Director

Subject: Updating Proxy Form

It has been awhile since we have updated the Proxy Forms. Proxies are always welcome to attend however they must be designated according to the bylaws of the organization. Attached is Section 15 of the bylaws of Nortex Regional Planning Commission that clearly outlines the procedure for allowing alternate or proxy voting delegates. Please take a few minutes to complete this Proxy Form and return back to Nortex Regional Planning Commission in the attached envelope.

SECTION 15. Alternate or Proxy Voting Delegates.

A. Elected officials who serve as a voting alternate (proxy): Any voting alternate (or proxy) who is an elected official from the member entity's governing body must (1) be a resident within the member's entity's local jurisdiction and (2) must be appointed by a letter signed by a quorum of the member entity's governing body.

B. Non-elected officials who serve as a voting alternate (proxy): Any voting alternate (or proxy) who is not an elected official from the member entity's governing body must (1) be a resident within the member entity's local jurisdiction and (2) must be appointed by a letter signed by a quorum of the member entity's governing body.

C. Member entities shall have the responsibility of complying with the terms set forth in this section and notifying the alternate (proxy) of any meetings in which the voting alternate (proxy) is to be seated upon Nortex Regional Planning Commission's Executive and/or General Membership meetings.

D. Jointly elected Executive Committee representatives may designate his/her voting alternate (proxy) to the Executive Committee.

**NORTEX REGIONAL PLANNING COMMISSION
PROXY/ALTERNATE DESIGNATION
2013**

These designations are the actions of our governing body.

_____, is the designated representative from
_____ (Membership/Entity).

Date: _____

In his/her absence, proxy is assigned as follows:

1. _____
2. _____
3. _____

Governing Body Signatures:

_____	_____
_____	_____
_____	_____
_____	_____

Please remit to:
Chairman
Nortex Regional Planning Commission
P O Box 5144
Wichita Falls, Texas 76307